

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WILLIE SAMPSON,

Petitioner,

vs.

JACK PALMER, *et al.*,

Respondents.

3:11-cv-00019-LRH-WGC

ORDER

This is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 in which petitioner, a state prisoner, is proceeding with representation of counsel. On February 8, 2012, the court granted petitioner's motion for the appointment of counsel and ordered counsel to file a notice of appearance. (ECF No. 33.) On March 9, 2012, counsel for petitioner filed a notice of appearance. (ECF No. 34.) Petitioner's counsel is Paul G. Turner, Assistant Federal Public Defender, 411 E. Bonneville Avenue, Suite 250, Las Vegas, Nevada, 89101.

IT IS THEREFORE ORDERED that counsel for petitioner shall meet with petitioner as soon as reasonably possible, if counsel has not already done so, to: (a) review the procedures applicable in cases under 28 U.S.C. § 2254; (b) discuss and explore with petitioner, as fully as possible, the potential grounds for habeas corpus relief in petitioner's case; and (c) advise petitioner that all possible grounds for habeas corpus relief must be raised at this time in this action and that the failure to do so will likely result in any omitted grounds being barred from future review.

IT IS FURTHER ORDERED that petitioner shall have **ninety (90) days**, to file and serve a first amended petition for writ of habeas corpus, which shall include all known grounds for relief (both

1 exhausted and unexhausted). Respondents shall have **forty five (45) days** after service of a first
2 amended petition within which to answer, or otherwise respond to, the amended petition. If petitioner
3 does not file an amended petition, respondents shall have **forty five (45)** days from the date on which
4 the amended petition is due within which to answer, or otherwise respond to, petitioner's original
5 petition. Respondents shall raise all potential affirmative defenses in the initial responsive pleading,
6 including lack of exhaustion and procedural default. **Successive motions to dismiss will not be**
7 **entertained.** If an answer is filed, respondents shall comply with the requirements of Rule 5 of the
8 Rules Governing Proceedings in the United States District Courts under 28 U.S.C. §2254.

9 **IT IS FURTHER ORDERED** that if and when respondents file an answer, petitioner shall have
10 **forty five (45) days** after service of the answer to file and serve a reply.

11 **IT IS FURTHER ORDERED** that counsel for respondents shall make available to counsel for
12 petitioner (photocopying costs at the latter's expense), as soon as reasonably possible, copies of whatever
13 portions of the state court record they possess regarding the judgment petitioner is challenging in this
14 case.

15 **IT IS FURTHER ORDERED** that any state court record exhibits filed by petitioner or
16 respondents shall be filed with a separate index of exhibits identifying the exhibits by number or letter.
17 The CM/ECF attachments that are filed further shall be identified by the number or numbers (or letter
18 or letters) of the exhibits in the attachment. **The hard copy of any additional state court record**
19 **exhibits shall be forwarded – for this case – to the staff attorneys in Reno.**

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21 DATED this 13th day of March, 2012.

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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE